

AMENDED IN SENATE JULY 1, 2003
AMENDED IN SENATE JUNE 19, 2003
AMENDED IN ASSEMBLY JUNE 2, 2003
AMENDED IN ASSEMBLY JANUARY 29, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 23

Introduced by Assembly Member Nation

December 2, 2002

An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 23, as amended, Nation. Breast cancer.

Existing law establishes the Office of Women's Health within the State Department of Health Services. The functions of the office include, among others, to communicate and disseminate information and perform a liaison function within the department and to providers of health, social, educational, and support services to women.

Existing law also provides for various programs related to the prevention and treatment of breast cancer.

This bill would create the Mammography Patient Best Principles, that includes prescribed expectations of mammography patients.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The United States Congress enacted the Mammography Quality Standards Act of 1992 and subsequent legislation to ensure that all women have access to quality mammography for the detection of breast cancer in its earliest, most treatable stages.

(b) It is the policy of the State of California to ensure compliance and enforcement of the *state Mammography Quality Assurance Act of 1992 (Chapter 870 of the Statutes of 1992)*, the *federal Mammography Quality Standards Act of 1992*, and the *Mammography Quality Standards Reauthorization Act of 1998 (42 U.S.C. Sec. 263b)*, and the federal Food and Drug Administration's *FDA's Administration's (FDA's) Mammography Quality Assurance Program*, as an avenue to reduce the morbidity and mortality associated with breast cancer.

(c) While advances have been made in the treatment of breast cancer, these advances are enhanced with early detection of breast cancer. Early detection combined with improvements in treatment has led to a 25 percent drop in the rate of death from breast cancer in the state. Early detection is more likely when multiple methods, including mammography, but also self-examination and clinical breast examinations, are used.

(d) Health care providers are encouraged to ~~provide the Mammography Patient Best Principles to their patients.~~ *practice, and provide care to their patients, in accordance with the Mammography Patient Best Principles established pursuant to this act.*

(e) The collaborative nature of health care requires that patients participate in their care.

SEC. 2. Section 139 is added to the Health and Safety Code, to read:

139. (a) This section shall be known and referred to as the Mammography Patient Best Principles.

(b) A patient should expect considerate and respectful care in a safe environment.

(c) A patient should expect privacy in accordance with the federal Health Insurance Portability and Accountability Act of 1996 and applicable state law. Mammography consultation,

1 procedures, and discussions should be conducted to protect patient
2 privacy. A patient should expect that ~~her~~ a health care provider
3 will treat all communications and records pertaining to ~~her~~ care
4 confidentially, except as otherwise required or permitted by law.

5 (d) A patient should expect to have a health care provider
6 explain that mammograms are not a treatment, but a diagnostic
7 tool that may detect cancer already developed in breast tissue. A
8 patient should expect to decide, in consultation with ~~her~~ the health
9 care provider, whether to have a mammogram.

10 (e) A patient may request relevant, current, and understandable
11 information about mammography from ~~her~~ the health care
12 provider. A patient may discuss available information related to
13 mammography, the risks involved, and any medically reasonable
14 alternatives to existing procedures, along with the accompanying
15 risks and benefits. A patient may request educational materials on
16 breast cancer risk factors *and other information*, including, but not
17 limited to, *information regarding* breast self-examinations,
18 mammography, and recommended timing of mammograms.

19 (f) A patient may request the identity of the health care
20 providers involved in ~~her~~ that patient's care. A patient may
21 ~~confirm~~ request that a qualified radiologist read ~~her~~ that patient's
22 mammogram.

23 (g) A patient may discuss any radiation concerns with a health
24 care provider or technician.

25 (h) A patient may examine and obtain a copy of her *or his*
26 medical records, including, but not limited to, mammography
27 results, in accordance with state and federal law.

28 (i) A patient may request the name, and contact information
29 for, the state agencies responsible for overseeing public health
30 issues if she *or he* wishes to make a complaint. A patient may
31 request ~~be informed of~~ information regarding available resources
32 for resolving disputes, grievances, and conflicts.